

REMARKS

The comments of the Examiner as set forth in the office action have been carefully studied and reviewed. In this office action, claims 10 and 15 have been amended, and claims 16 and 17 have been canceled. New claim 21 has been added. For the reasons set forth below it is respectfully urged that the present application is in condition for allowance and allowance is requested.

The Examiner in rejecting the claims as filed has relied on the Lenz et al. patent, U.S. Patent No. 3,016,968 and has maintained that all of the claims, that is claims 1-20, are anticipated by the Lenz et al. patent. As discussed below, the Lenz et al. patent fails to show a biasing device for biasing the trunk lid of a vehicle towards or to an open position. That is, the Lenz et al. patent does not include the biasing element of the present claims.

In the office action, the Examiner suggests that the biasing device is met by part no. 11 shown in Figure 2 of the Lenz et al. patent. Part 11 is a spring that is utilized to operate the latch. Spring 11 does not bias the door towards an open position. Indeed, the Lenz et al. patent makes it clear that there is no means that pushes or opens the trunk lid. The trunk lid must be manually lifted. This is clear from the specification.

From the foregoing it will be observed that the motorist may unlock the trunk from his seat by simply pulling on the knob 43 and thereby free the trunk lid for being manually lifted for inspection or other reason. (emphasis added).

(Lenz, col. 2, ll. 45-48)

A review of the Lenz et al. drawings indicate that there is no means or biasing device for biasing the trunk lid 1 towards an open position. In Figure 2 there is a

detailed drawing of the latch that locks the trunk lid in a locked position. No part of the latch actually engages the trunk lid and biases the trunk lid to an open position when the latch is unlocked.

Applicant's claims are clear. There is both a latch and a biasing device. The latch is utilized to lock the door in place while the biasing means is utilized to bias the door to an open position when the latch is unlocked.

Claim 1 clearly defines this feature of Applicant's invention. In addition, dependent claims 6, 7, 8 and 9 further define the biasing device. For example, claim 7 depends from claim 6 and calls for the spring being adapted to extend between a stop disposed on the door and an area adjacent the door and wherein the position of the spring is adjustable with respect to the door. Certainly there is no teaching of this structure in Lenz et al.

Claim 8 goes even further and requires that the spring be at least partially contained within a sleeve. A sleeve is an elongated tube-like structure. Again, there is no elongated tube-like structure that includes a spring that biases the door or trunk lid to an open position. Claim 9 goes even further and calls for the spring to be fixed to a threaded bolt that extends at least partially through the sleeve and which can be adjusted with respect to the door. There is no spring and threaded bolt in Lenz et al. where the threaded bolt can be adjusted with respect to the door.

Claim 10 has been substantially amended to include the biasing device and the structural components thereof. For the same reasons just discussed, claim 10 is in condition for allowance.

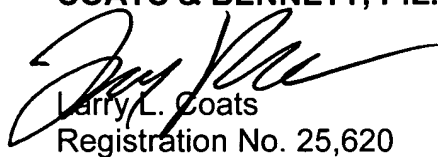
Claim 15 is a method claim and the subject matter of claims 16 and 17 have been incorporated therein along with other related limitations. Again, the claim makes clear that the method entails latching the door in a locked position utilizing a latch and also biasing the door to an open position.

For the reasons set forth above it is respectfully urged that the present application is in condition for allowance and allowance is respectfully requested.

Respectfully submitted,

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